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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1177 OF 1997

Shri Vithal Madhavrao Kohinkar ... Petitioner

V/s

1. Shirke Construction Equipments Pvt. Ltd.,Pune & anr. ... Respondents

Mr. S.M.Dharap for the petitioner.

Mr. S.K.Talsania i/by Sanjay Udeshi & Co. for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH OCTOBER, 2007.

P.C.:

1. The petitioner challenges the order of the Industrial Court in Revision Application (ULP) No. 110 of 1996. The Industrial Court by its order dated 8.11.1996 has set aside the order of the Labour Court in Complaint (ULP) No. 227 of 1995 and directed the respondent Company to pay Rs.25,000/- as compensation to the workman in lieu of reinstatement in addition to the amount offered to the workman at the time of termination of services. Admittedly, an amount of Rs.57,567.92 ps. has been paid to the petitioner workman.

2. The controversy in this petition arises in the following manner:-

. The petitioner joined service with the respondent No.1 Company in 1976 as a welder. It appears that a charge-sheet was issued to him on 5.8.1994 alleging that on 30.5.1994 he had assaulted one of the officers of the Company when they attended a marriage about 40 kms.

3. An enquiry was instituted against the petitioner which resulted in his dismissal from service. The petitioner filed a complaint under the M.R.T.U. & P.U.L.P. Act before the Labour Court alleging that the respondent workman had committed unfair labour practices under Items 1(a), (b), (d), (f) and (g) of Schedule IV of the Act by dismissing him from service. An application for interim relief was also filed. This application for interim relief was allowed and the respondent No.1 Company was directed to pay wages to the petitioner from 1.9.1995 to October, 1996. Accordingly, this amount has been paid to the petitioner.

4. Thereafter the Labour Court decided the complaint on merits. It held that the respondent Company had committed unfair labour practices, under Items 1(b) &

(d) of Schedule IV of the Act. The Labour Court, therefore, directed the respondent Company to reinstate the petitioner in service with continuity and full back wages from 3.6.1994 to 31.8.1995.

5. Being aggrieved by this decision, the respondent Company filed a revision application being Revision Application No.110 of 1996. This revision application was allowed and the respondent Company was directed to pay the aforesaid amount to the petitioner in lieu of reinstatement.

6. The petition who is present in Court and the respondents have agreed to settle the dispute in the following manner :-

(i) The order of the Industrial Court is modified to the extent that the petitioner workman shall be paid Rs.4,00,000/- in lieu of his demand for reinstatement and continuity of service and full back wages in addition to the amount already paid to him.

(ii) The petitioner agrees that he will have no further demand or claim against the respondent No.1 Company in respect of his

employment or non-employment with the respondent No.1 Company either monetary or otherwise.

(iii) The aforesaid amount of Rs.4,00,000/- shall be paid to the petitioner workman by the respondent No.1 Company within two weeks from today.

7. The petition is disposed of as aforesaid.

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